

AMENDED IN SENATE JUNE 3, 1997
AMENDED IN SENATE MARCH 31, 1997
AMENDED IN SENATE MARCH 6, 1997

SENATE BILL

No. 163

Introduced by Senator Solis

(Principal coauthors: Assembly Members Perata and
Wright)

(Coauthors: Senators Alpert, Hughes, Lee, and Polanco)

(Coauthors: Assembly Members Brown, Ducheny, Honda,
Kuehl, Napolitano, and Washington)

January 16, 1997

~~An act to add Sections 11216, 11217, 11218, and 11219 to the
Welfare and Institutions Code, relating to public social An act
relating to public social services.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 163, as amended, Solis. Temporary assistance for needy families.

Existing state law provides for the Aid to Families with Dependent Children (AFDC) program, pursuant to which qualified families are provided with cash assistance. Existing federal law provides for the allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) program to states that participate in the TANF program.

Existing federal law requires that eligibility of individuals receiving benefits under the TANF program be limited to 5 years, and requires that states require parents or caretakers to

engage in work, as defined by the state, when the individual is determined to be ready to engage in work or once the parent or caretaker has received assistance under the program for 24 months, whichever is earlier.

~~This bill would specify that for purposes of eligibility for benefits under the state program funded through federal grants under the TANF program, eligible relative care givers shall be exempt from the 2-year work participation requirements and the 5-year eligibility limitations contained in the TANF program.~~

~~By extending eligibility for benefits under the state program funded under the TANF program, this bill would increase county participation requirements, and would result in a state-mandated local program.~~

~~This bill would specify that counties shall be held harmless from any requirement that the county shall fund family preservation program costs that exceed the prior year AFDC-FC expenditures when the increased AFDC-FC expenditures result from foster care caseload growth attributable to a decrease in kinship care placements.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

This bill would state legislative findings and declarations concerning the importance of kinship caregivers in providing care under the AFDC program.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ *no*. State-mandated local program: ~~yes~~ *no*.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Kinship care givers, who include grandparents and other relatives providing a home for grandchildren, nieces, nephews, and other children related by blood or marriage, are a resource that helps to ensure that family ties are maintained when children cannot reside with their own parents.

(b) Kinship care givers, and especially grandparent care givers, have increasingly been called upon to provide homes for their grandchildren and nieces and nephews whose parents are absent and unable to provide them with homes.

(c) The number of kinship care givers raising grandchildren and other related children where no parent is present has increased dramatically in the last five years because of incarceration, drug use, and the AIDS epidemic.

(d) Kinship care givers include immigrants who have entered the United States legally and people who have obtained legal resident status, and who provide care for their citizen grandchildren and nieces and nephews.

(e) In 1994, the American Association of Retired Persons found that 56 percent of grandparent care giver households have incomes below \$20,000 per year, and nearly half of those care givers live at or below the poverty level.

(f) In 1992, 77 percent of custodial grandparents reported that they needed economic assistance to take care of their grandchildren.

(g) In the absence of kinship care givers, responsibility for children whose parents are absent would fall to the state, and these children would be placed in costly foster care with strangers.

(h) Federal statutes, such as those contained in Section 505 of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193), recognize the value of kinship care by requiring that state

1 plans for foster care and adoption assistance provide that
2 the state shall consider giving preference to adult
3 relatives over nonrelated care givers when determining
4 the placement of children, provided that the relative care
5 giver meets all relevant state child protection standards.

6 (i) Despite its stated requirement for kinship care
7 over nonrelated care givers, the federal Personal
8 Responsibility and Work Opportunity Reconciliation Act
9 of 1996 fails to recognize that some kinship care givers
10 must rely on public assistance for themselves as well as
11 their grandchildren and nieces and nephews, and
12 because of this, federal Public Law 104-193 imposes work
13 requirements and time limits on those kinship care givers
14 regardless of their age or ability to work.

15 ~~SEC. 2. Section 11216 is added to the Welfare and~~
16 ~~Institutions Code, to read:~~

17 ~~11216. (a) For purposes of determining eligibility for~~
18 ~~assistance under this chapter, relatives, as defined in~~
19 ~~subdivision (f) who meet all of the following~~
20 ~~requirements shall not be required to register for~~
21 ~~employment and training programs as provided in~~
22 ~~Section 11320.3:~~

23 ~~(1) He or she has primary responsibility for personally~~
24 ~~providing care for one or more dependent children who~~
25 ~~are deprived of parental support or care.~~

26 ~~(2) He or she is determined to be otherwise eligible for~~
27 ~~assistance under this chapter.~~

28 ~~(3) (A) Except as provided in subparagraph (B), he~~
29 ~~or she is 50 years of age or older.~~

30 ~~(B) If the county determines that without the~~
31 ~~application of the exemption in this subdivision it is likely~~
32 ~~that the child will be relinquished to foster care, the age~~
33 ~~requirement of subparagraph (A) shall be waived for a~~
34 ~~grandparent or great-grandparent of the dependent~~
35 ~~child.~~

36 ~~(b) Relatives to whom subdivision (a) applies shall not~~
37 ~~be subject to the time limits for receiving assistance under~~
38 ~~this chapter.~~

39 ~~(c) Upon a determination by the county that a relative~~
40 ~~care giver to whom subdivision (a) applies is eligible for~~

~~1 assistance under this chapter, the state shall pay 100~~
~~2 percent of the relative care giver's share of the assistance~~
~~3 unit grant.~~

~~4 (d) For purposes of applicable provisions of the~~
~~5 Temporary Assistance for Needy Families program, cases~~
~~6 to which this section applies shall be considered to be~~
~~7 child-only cases.~~

~~8 (e) Nothing in this section shall prevent a relative care~~
~~9 giver from assessment and voluntary participation in an~~
~~10 employment and training program otherwise available to~~
~~11 recipients under this chapter.~~

~~12 (f) For purposes of this section, "relative" means any~~
~~13 person who is related to the dependent child in the~~
~~14 following relationship:~~

~~15 (1) Grandparent.~~

~~16 (2) Great-grandparent.~~

~~17 (3) Uncle.~~

~~18 (4) Aunt.~~

~~19 (5) Great uncle.~~

~~20 (6) Great aunt.~~

~~21 (7) Adult sibling.~~

~~22 SEC. 3. Section 11217 is added to the Welfare and~~
~~23 Institutions Code, to read:~~

~~24 11217. (a) Care giver relatives described in Section~~
~~25 11216 who provide care for children placed in their homes~~
~~26 by order of the juvenile court pursuant to Section 361.3~~
~~27 shall be exempt from the work and time limit~~
~~28 requirements otherwise required under the federal~~
~~29 Temporary Assistance for Needy Families program.~~

~~30 (b) Families subject to this section shall be exempt~~
~~31 from the application of prohibitions regarding federal~~
~~32 work requirements and time limits as provided in Section~~
~~33 408(a)(7)(C)(i) and (ii) of the Social Security Act, as~~
~~34 amended by Section 103 of federal Public Law 104-193.~~

~~35 (c) Nothing in this section shall prevent a relative care~~
~~36 giver from assessment and voluntary participation in an~~
~~37 employment and training program otherwise available to~~
~~38 recipients under this chapter.~~

~~39 SEC. 4. Section 11218 is added to the Welfare and~~
~~40 Institutions Code, to read:~~

~~11218. (a) The department shall prepare a report, in consultation with the County Welfare Directors Association, that provides information on the department's policies regarding kinship care; the characteristics of kinship care providers, including, but not limited to, age, income, and number of kinship children in the home, the number of children placed statewide in kinship care by orders of the juvenile court under dependency hearings and delinquency hearings; and the numbers of children who enter the foster care system as a result of the termination of denial of assistance benefits to needy relative care givers under the provisions of the Temporary Assistance for Needy Families program if those provisions are enacted.~~

~~(b) The department shall report the information obtained pursuant to subdivision (a) to the appropriate committees of the Legislature no later than December 31, 1999.~~

~~SEC. 5. Section 11219 is added to the Welfare and Institutions Code, to read:~~

~~11219. (a) Counties shall be held harmless from any requirement that the county shall fund 100 percent of family preservation program costs that exceed the prior year AFDC-FC expenditures when the increased AFDC-FC expenditures result from foster care caseload growth attributable to a decrease in kinship care placements.~~

~~(b) A county shall be held harmless pursuant to subdivision (a) upon the certification that the foster care caseload growth and decrease in kinship care placements resulted from the termination or denial of assistance benefits to relatives who would have otherwise been eligible under the Aid to Families with Dependent Children program.~~

~~SEC. 6. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title~~

1 ~~2 of the Government Code. If the statewide cost of the~~
2 ~~claim for reimbursement does not exceed one million~~
3 ~~dollars (\$1,000,000), reimbursement shall be made from~~
4 ~~the State Mandates Claims Fund.~~

5 ~~Notwithstanding Section 17580 of the Government~~
6 ~~Code, unless otherwise specified, the provisions of this act~~
7 ~~shall become operative on the same date that the act~~
8 ~~takes effect pursuant to the California Constitution.~~

